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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/915,926	07/26/2001	Chester A. Heath	296/1	7355

27538 7590 07/13/2004

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EXAMINER	
CAO, CHUN	

ART UNIT	PAPER NUMBER
2115	

DATE MAILED: 07/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/915,926	HEATH ET AL.	
	Examiner	Art Unit	
	Chun Cao	2115	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 July 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *09 October 2001* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-17 are presented for examination.

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The current title is imprecise.

Drawings

3. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on 10-9-2001 have been received and entered.

4. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "20" has been used to designate both "the number of connections 20" in Figure 1 and "external reset switch 20 in Figure 2. The numeral symbols (such as 10a, 12, 20, etc.) in figures 2-4 do not match with the specification. Correction is required. Examiner kindly asks the applicant to review the entire drawings to make sure all the drawings have unique reference characters. Also, correct the specification according to the drawing changes.

6. The Patent and Trademark Office no longer makes drawing changes. See 1017 O.G. 4. It is applicant's responsibility to ensure that the drawings are corrected. Corrections must be made in accordance with the instructions below.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

Correction of Informalities -- 37 CFR 1.85; 1097 O.G. 36

New formal drawings must be filed with the changes incorporated therein. The art unit number, application number (including series code) and number of drawing sheets should be written on the reverse side of the drawings. Applicant may delay filing of the new drawings until receipt of the "Notice of Allowability" (PTOL-37 or PTO-37). If delayed, the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the "Notice of Allowability" to avoid extension of time fees. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a) for filing the corrected drawings (but not for payment of the issue fee). The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

Corrections other than Informalities Noted by Draftsperson on form PTO-948.

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

Timing of Corrections

Applicant is required to submit acceptable corrected drawings within the three month

shortened statutory period set in the "Notice of Allowability" (PTO-37). Within that three month period, two weeks should be allowed for review of the new drawings by the Office. If a correction is determined to be unacceptable by the Office, applicant must arrange to have an acceptable correction re-submitted within the original three month period to avoid the necessity of obtaining an extension of time with extension fees. Therefore, applicant should file corrected drawings as soon as possible.

Failure to take corrective action within the set (or extended) period will result in **ABANDONMENT** of the application.

Double Patenting

7. The non-statutory double patenting rejection, whether of the obviousness-type or non-obviousness-type, is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent, the possible harassment by multiple assignees, and the possibility that one might avoid the effect of file wrapper estoppel by filing a second application. *In re Thorington,* 418 F.2d 528, 163 USPQ 644 (CCPA 1969); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); and *In re Goodman*, 29 USPQ2d 2010 (Fed. Cir. 1993).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) and © may be used to overcome an actual or provisional rejection based on a non-statutory double

patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

8. Claims 1 and 5 rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 3 of copending Application No. 09/915,923 respectively. Although the conflicting claims are not identical, they are not patentably distinct from each other because In view of the "obviousness-type" double patenting rational enunciated in Georgia Pacific Crop v United States Gypsum Co., 52 USPQ2d 1590, U.S. Court of Appeals Federal Circuit 1999, application claims 1 and 5 merely define an obvious variation of the invention claimed in copending Application No. 09/915,923. After analyzing the language of the claims, it is clear that claim 1 of copending Application No. 09/915,923 is merely a subset of claim 1 of the instant application, and thus is an obvious variation of claim 1 of the copending Application No. 09/915,923.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 112

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the computer processor" in lines 7-8. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "the logic circuit" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitations "the computer processor" in line 2. There is insufficient antecedent basis for this limitation in the claim. In claim 6, as to the claimed language “connecting to the computer processor a counter…” is unclear. For examination purpose, the examiner interpreted to be “connecting to the computer processor, a counter…”. Applicant is welcome to provide feed back in the next response to clarify the issue.

Claim 7 recites the limitations "the computer" in line 2; “the number of signals” in line 3. There is insufficient antecedent basis for this limitation in the claim. In claim 7, as to the claimed language “connecting to the computer a counter…” is unclear. For examination purpose, the examiner interpreted to be “connecting to a computer, a counter…”. Applicant is welcome to provide feed back in the next response to clarify the issue.

Claim 11 recites the limitations "the processor" in line 3; "the mean" in line 7; "the frozen remote processor" in line 8. There is insufficient antecedent basis for this limitation in the claim.

Claim 12 recites the limitation "the computer processor" in lines 1-2; "the signal generating means" in line 7. There is insufficient antecedent basis for this limitation in the claim.

Claims 2-5, 7-10 and 13-17 are rejected because they incorporate the deficiencies of claims 1, 6 and 12.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11. Claims 1-4, 6-12 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyazawa et al. (Miyazawa), US patent no. 4,916,474 in view of Kawase et al. (Kawase), US patent no. 6,328,410.

As per claim 1, Miyazawa discloses a remote computer processor reset apparatus [fig. 1] comprising a manually operable switch [external switch, fig. 1; col. 2, line 64-col. 3, line 5], a connective circuit [reset means, fig. 1; col. 2, line 64-col. 3, line 5] in electrical communication at a first end thereof with the manually operable switch and further connected at a second end thereof to a computer processor [CPU] so as to

transmit a responsive reset signal thereto [fig. 1; col. 2, line 64-col. 3, line 5].

Miyazawa does not explicitly disclose a counter having a first section for counting events, a second section for counting time, and being capable of distinguishing between an unintentional short circuit and an intentional reset request, the counter being in electrical communication with a second end of the connective circuit.

Kawase discloses a counter having a first section for counting events, a second section for counting time, and being capable of determining an intentional reset request, the counter being in electrical communication with a second end of the connective circuit [fig. 4; col. 3, lines 21-33; col. 6, lines 55-62; col. 9, line 51-col. 10, line 6]. In summary, Kawase teaches of determining whether or not the reset signal is intentional. Therefore, Kawase inherently teaches of being capable of distinguishing between an intentional reset request and other operation request (such as an unintentional short circuit).

It would have been obvious to one of ordinary skill in the art at time the invention to combine the teachings of Miyazawa and Kawase because they are both directed to reset a processor, and the specify teachings of Kawase stated above by using a counter would improve reliability of Miyazawa system by being capable of determining whether or not the reset signal is intentional.

As per claim 2, Kawase discloses the counter is adapted to transmit a signal to the computer processor in response to a successive plurality of short circuit signals received within a predetermined time period [col. 3, lines 21-33; col. 6, lines 55-62; col. 9, line 51-col. 10, line 6].

As per claim 3, inherently, Kawase discloses the counter is responsive to from two to five successive signals received within two to four seconds [col. 3, lines 21-33; col. 6, lines 55-62; col. 9, line 51-col. 10, line 6].

As per claim 4, inherently, Kawase discloses a logic circuit is responsive to three successive signals received within three seconds [col. 3, lines 21-33; col. 6, lines 55-62; col. 9, line 51-col. 10, line 6].

As to claims 6-10, Miyazawa and Kawase together teach the claimed system of claims 1-4. Therefore, Miyazawa and Kawase together teach the claimed method of steps to carry out the system.

As to claims 11,12 and 15-17 are written in mean plus functions and contained same limitations as claim 1, therefore same rejection is applied.

12. Claims 5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyazawa et al. (Miyazawa), US patent no. 4,916,474 in view of Kawase et al. (Kawase), US patent no. 6,328,410 and Simons (Simons), US patent no. 5,812,061.

As to claims 5 and 13, Miyazawa and Kawase do not explicitly disclose a momentary contact switch. However, as shown by Simons it is notoriously well known in the art to close a momentary contact switch in order to provide a reset signal to a processor [col. 9, lines 6-12]. It would have been obvious to one of ordinary skill in the art to use the well known momentary contact switch to provide a reset signal to the processor.

13. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miyazawa et al. (Miyazawa), US patent no. 4,916,474 in view of Kawase et al.

(Kawase), US patent no. 6,328,410 and Applicant's Admitted Prior Art (AAPA).

As per claim 14, Miyazawa and Kawase do not explicitly teach of using a USB connective cable to connect the external switch to the reset means. However, AAPA teaches that it is well known in the art to use USB cables for I/O communication [page 1, lines 16-19]. Since the external switch is an I/O device it would have been obvious to one of ordinary skill in the art to use the well known USB cables to connect the external switch to the reset means.

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Chan et al., US patent no. 5,577,201, teaches of using an external hard reset button to reset a processor.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chun Cao at (703) 308-6106. The examiner can normally be reached on Monday-Friday from 7:30 am - 4:00 pm. If attempts to reach the examiner by phone are unsuccessful, the examiner s supervisor Thomas Lee can

be reached at (703) 305-9717. The fax number for this Art Unit is following: Official (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 306-5631.

Chun Cao

July 8, 2004